

REMARKS

This Amendment is in response to the outstanding Official Action mailed June 4, 2002, the shortened statutory period for filing a response having been expired on September 4, 2002. In this regard, Applicant submits herewith a three-month extension petition resetting the deadline for responding to the Official Action to and including December 4, 2002. In view of the above amendments and within remarks, reconsideration of the Examiner's rejection is respectfully requested.

The application as examined includes claims 1-19, of which claims 1, 9 and 16 have been presented in independent form. The Examiner has allowed claims 9-16, 18 and 19, designating dependent claims 2-5, 7 and 17 as being allowable if rewritten into independent form to include all limitations of their base claim and any intervening claims. Applicant has rewritten dependent claim 2 into independent form as newly proposed claim 20. Applicant has also rewritten dependent claims 7 and 17 into independent form. As to the remaining claims 1, 6 and 8, these claims have been rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by *Knedlick et al.*, U.S. Patent No. 3,628,759. Briefly, the Examiner states that the '759 patent discloses providing a plurality of components adapted to be assembled into a plurality of brackets each of a different configuration. In view of the below remarks, the Examiner's rejection is considered traverse and should therefore be withdrawn.

Pursuant to Applicant's method as set forth in claim 1, there is recited the steps of selecting one of the configurations of the plurality of brackets, selecting a plurality of the components for assembly into the selected bracket configuration, and assembling the selected plurality of

components including at least the shaft holder into the selected bracket configuration. This method of Applicant's invention is not disclosed in the '759 patent.

As previously discussed in Applicant's response of March 4, 2002, the '759 patent merely discloses in Fig. 1 a single embodiment of a fishing rod bracket having a vertical leg 24 adapted to be mounted to a boat transom or gunwale socket. The '759 patent discloses no other possible arrangement of the components of the fishing rod bracket other than that as described and as shown in Fig. 1. The '759 patent contemplates only a single bracket design resulting from the assembly of all of the components provided. There is nothing in the '759 patent to suggest the construction of any other bracket, nor certainly a bracket formed from less than all of the components. Hence, the '759 patent is incapable of disclosing the steps of selecting one configuration from a plurality of brackets, selecting a plurality of components for assembling into the selected bracket configuration, and then, assembling the selected components into the selected bracket configuration. In the '759 patent, there is no selection of any configuration of the bracket, as there is only one configuration possible. There therefore cannot be any selecting of a plurality of components for assembly into the elected bracket configuration. Accordingly, the Examiner's rejection of Applicant's claims as being anticipated by the '759 patent is considered traverse and should therefore be withdrawn.

Further with respect to the '759 patent, the Examiner states that it discloses at least one of the brackets is adapted to be assembled from less than all of the components, citing Fig. 1 and col. 2, lns. 2-4. In Fig. 1 of the '759 patent, there is only disclosed a single configuration of the fishing rod bracket. The referred to portion by the Examiner states "The vertical leg 24 is shown provided with a fastener 30 by

which the base may be mounted upon a boat transom or gunwale socket; or at a fishing pier, etc. as is conventional." This quoted portion cited by the Examiner does not provide any support that the fishing rod bracket as shown in Fig. 1 can be assembled from less than all the components disclosed. Rather, this quoted portion merely states that the fishing rod bracket as assembled pursuant to Fig. 1 can be attached to various support structures such as a boat transom or gunwale socket via vertical leg 24. Whether the fishing rod bracket is attached to a boat transom or gunwale socket, the configuration of the fishing rod bracket would remain the same as is shown in Fig. 1. Accordingly, the Examiner's rejection is once again considered traverse and should therefore be withdrawn.

The Examiner is requested to acknowledge Applicant's Information Disclosure Statement submitted on July 27, 2001, a courtesy copy of which is enclosed herewith. Applicant also requests that the Examiner acknowledge Applicant's Information Disclosure Statement submitted on July 30, 2002.

In considering Applicant's within response, Applicant designates the rejected dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.


Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 4, 2002

Respectfully submitted,

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Version With Markings to Show Changes Made

1. (AMENDED) A method of assembling a bracket from a plurality of components for mounting a device to a supporting surface, said method comprising:

providing a plurality of components adapted to be assembled into a plurality of brackets each of a different configuration, at least one of said components comprising a shaft holder having an opening formed therein adapted to removably support said device, at least one of said brackets adapted to be assembled from less than all of said components, selecting one of said configurations of said plurality of brackets, selecting a plurality of said components for assembly into the selected bracket configuration, and assembling the a-selected plurality of said components including at least said shaft holder into the selected one of said brackets bracket configuration.

7. (AMENDED) AThe method of claim 1 assembling a bracket from a plurality of components for mounting a device to a supporting surface, said method comprising:

providing a plurality of components adapted to be assembled into a plurality of brackets each of a different configuration, at least one of said components comprising a shaft holder having an opening formed therein adapted to removably support said device, at least one of said brackets adapted to be assembled from less than all of said components, and assembling a plurality of said components including at least said shaft holder into one of said brackets, wherein said bracket comprises a mount selected from the group consisting of a clamp mount, a wall mount and a flat mount.

17. (AMENDED) AThe method of claim 1 assembling a bracket from a plurality of components for mounting a device to a supporting surface, said method comprising:

providing a plurality of components adapted to be assembled into a plurality of brackets each of a different configuration, at least one of said components comprising a shaft holder having an opening formed therein adapted to removably support said device, at least one of said brackets adapted to be assembled from less than all of said components, and assembling a plurality of said components including at least said shaft holder into one of said brackets, wherein said shaft holder is adapted to receive an extension arm for supporting an electronic device thereto.